

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 141, Page 1, Section Title, Line 3,

2 by striking "renewable natural gas" and inserting in lieu  
 3 thereof the following: "energy management"; and

4 Further amend said bill, page 3, Section 386.895, line  
 5 78, by inserting after all of said line the following:

6 "643.310. 1. The commission may, by rule, establish a  
 7 decentralized motor vehicle emissions inspection program  
 8 pursuant to sections 643.300 to 643.355 for any portion of a  
 9 nonattainment area located within the area described in  
 10 subsection 1 of section 643.305, except that no  
 11 decentralized motor vehicle emissions inspection program  
 12 shall be established in any county with a charter form of  
 13 government and with more than three hundred thousand but  
 14 fewer than four hundred fifty thousand inhabitants. The  
 15 decentralized motor vehicle emissions inspection program  
 16 shall be implemented and applied in the same manner  
 17 throughout every portion of a nonattainment area located  
 18 within the area described in subsection 1 of section 643.305  
 19 except any county with a charter form of government and with  
 20 more than three hundred thousand but fewer than four hundred  
 21 fifty thousand inhabitants. The commission shall ensure  
 22 that, for each nonattainment area, the state implementation  
 23 plan established pursuant to subsection 1 of section 643.305  
 24 incorporates and receives all applicable credits allowed by  
 25 the United States Environmental Protection Agency for  
 26 emission reduction programs in other nonattainment areas of

27 like designation in other states. The commission shall  
28 ensure that emission reduction amounts established pursuant  
29 to subsection 2 of section 643.305 shall be consistent with  
30 and not exceed the emissions reduction amounts required by  
31 the United States Environmental Protection Agency for other  
32 nonattainment areas of like designation in other states. No  
33 motor vehicle emissions inspection program shall be required  
34 to comply with subsection 1 of section 643.305 unless the  
35 plan established thereunder takes full advantage of any  
36 changes in requirements or any agreements made or entered  
37 into by the United States Environmental Protection Agency  
38 and any entity or entities on behalf of a nonattainment area  
39 concerning compliance with National Ambient Air Quality  
40 Standards of the federal Clean Air Act, as amended, 42  
41 U.S.C. Section 7401, et seq., and the regulations  
42 promulgated thereunder.

43 2. (1) The department, with the cooperation and  
44 approval of the commissioner of administration, shall select  
45 a person or persons to operate an inspection facility or  
46 inspection program pursuant to sections 643.300 to 643.355,  
47 under a bid procedure or under a negotiated process or a  
48 combination thereof based on criteria and expectations  
49 established by the department. This process may use either  
50 a licensing arrangement or contractual arrangement with the  
51 selected party or parties. The selection of persons to  
52 operate inspection facilities or inspection programs shall  
53 be exempt from the provisions of all site procurement laws.  
54 Each person who is authorized to operate a station pursuant  
55 to this section shall be capable of providing adequate and  
56 cost-effective service to customers.

57 (2) Service management, coordination and data  
58 processing may be provided by the department or by another

59 person, including a contractor or licensee, based upon the  
60 most cost-effective proposal for service.

61 (3) A license or contract shall be for a period of up  
62 to seven years, consistent with the provisions of Article  
63 IV, Section 28 of the Missouri Constitution, and licenses or  
64 contracts shall be annually reviewed. A license or contract  
65 may be suspended or revoked if the licensee or contractor is  
66 not meeting the conditions of sections 643.300 to 643.355,  
67 all applicable rules, the license agreement or contract as  
68 determined by the department. A licensee or contractor  
69 found to have violated sections 643.300 to 643.355,  
70 applicable rules or the conditions of the license agreement  
71 or contract shall be in violation of section 643.151 and  
72 subject to the penalties provided thereunder.

73 3. The commission, the department of economic  
74 development and the office of administration shall, in  
75 cooperation with the minority business advocacy commission,  
76 select the contractor or contractors to provide an  
77 inspection program which satisfies the minimum requirements  
78 of this section in accordance with the requirements of  
79 section 37.014 and chapter 34. The commission, the office  
80 of administration and the department of economic  
81 development, in cooperation with the minority business  
82 advocacy commission, shall ensure adequate minority business  
83 participation in the selection of the contractor or  
84 contractors to provide an inspection program pursuant to  
85 this section. The commission, the office of administration  
86 and the department of economic development shall ensure  
87 adequate participation of Missouri businesses in the  
88 selection of the contractor or contractors to provide an  
89 inspection program pursuant to this section.

90 4. With approval of the commission and pursuant to  
91 rules adopted by the commission, an organization whose

92 members are motor vehicle dealers or leasing companies may  
93 establish one or more additional emissions inspection  
94 facilities, which may be either mobile or stationary, to be  
95 used solely to inspect motor vehicles owned and held for  
96 sale or lease by the members of the organization. With  
97 approval of the commission and pursuant to rules adopted by  
98 the commission, any person operating a fleet of motor  
99 vehicles may establish one or more additional emissions  
100 inspection facilities, which may be either mobile or  
101 stationary, to be used solely to inspect motor vehicles  
102 owned or leased and operated by the person establishing the  
103 facility. The inspections performed in facilities  
104 established pursuant to this subsection shall be performed  
105 by a contractor selected by the commission pursuant to this  
106 section and the contractor performing such inspections shall  
107 be responsible solely to the department and shall satisfy  
108 all applicable requirements of sections 643.300 to 643.355.

109 5. If the governor applies to the administrator of the  
110 Environmental Protection Agency to require federal  
111 reformulated gasoline in nonattainment areas, nothing in  
112 sections 643.300 to 643.355 shall prevent the storage of  
113 conventional gasoline in nonattainment areas which is  
114 intended for sale to agricultural, commercial or retail  
115 customers outside said nonattainment areas subject to  
116 reformulated gasoline."; and

117 Further amend the title and enacting clause accordingly.